

## APPENDIX A

## United States Constitution, Amendment XIV, § 1:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

## APPENDIX B

## 28 U.S.C. § 1331:

"(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of \$10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

" . . . "

## 28 U.S.C. § 1343:

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

" . . . "

"(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States:

" . . . "

## 42 U.S.C. § 1981:

"All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."

## 42 U.S.C. § 1983:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

## APPENDIX C

§ 294 Michigan School Code; C.L. Mich. '48 § 340.294; M.S.A. § 15.3294:

"Each county superintendent of schools shall, in counties in which a county board of education has not been established or in case of the consolidation of 2 or more counties into a single county school district, by reasonable notice sent by registered mail call a meeting in the county of the secretaries of the boards of primary and fourth class school districts and the presidents of the boards in other school districts: Provided, That at a regular or special meeting of the board of any of the school districts, the board may by resolution designate any other member of the board to represent it. The meeting shall be held at the county seat or some other convenient place in the county on the first Monday of the second month following the effective date of this act, for the purpose of electing

a county board of education. The county superintendent of schools or his deputy shall act as secretary of the meeting and keep a complete record of the proceedings. The school officers above named shall choose from their number a chairman to preside over the meeting, and it shall be his duty to appoint from those present 3 tellers or inspectors of election, whose duty it will be to conduct and canvass the votes in the election of members of the county board of education. The above named school officers shall proceed to elect by ballot a board of education of 5 members, 1 for a term of 2 years, 2 for a term of 4 years, and 2 for a term of 6 years, and biennially thereafter on the first Monday in June there shall be elected for a term of 6 years a successor or successors to the member or members whose term of office shall expire. The persons elected need not be members of the boards of education of the county. Members of the first county board of education shall take office on the second Monday following the election. For the purpose of determining their terms of office the time between the date taking office and the next succeeding July first shall be considered 1 year. Each of said biennial elections shall be called and conducted in the same manner and by the same school officers or their successors as that of the first election, except that the meetings of secretaries and presidents of the aforementioned boards shall be held on the first Monday of June biennially and shall be called by the county superintendent of schools. After the first election the term of office of each member shall begin on the first day of July following his election. Not more than 2 members of the county board of education shall be elected from any 1 township or city. If any person elected fails to take the oath of office within 10 days after his election, or any member during his term shall die, be adjudged mentally incompetent, resign, be convicted of a felony under the penal laws of the State, or removes from the county, a vacancy shall thereby exist immediately without declaration of any officer and such vacancy shall be filled by the majority of the remaining members of the board of education. Persons appointed to fill vacancies shall hold office until the next following biennial June election, at which time persons will be elected for the unexpired term or terms. If any vacancy is



not filled within 30 days after it shall have occurred, the same shall be filled by the county board of supervisors of the county. Any member of a board, after a hearing, who shall be found guilty of wilful acts of misfeasance, malfeasance, or nonfeasance in office may be removed from office by the superintendent of public instruction in accordance with the provisions of section 253 of this act. In making appointments to fill vacancies, the appointing authority shall not appoint any person whose membership on the county board of education shall cause any township or city to be represented by more than 2 members upon said board."

§ 294a Michigan School Code; C.L. Mich. '48 § 340.294a; M.S.A. § 15.3294(1):

"The members of the board shall be elected biennially on the first Monday in June by a body composed of 1 member of the board of education of each constituent school district, who shall be designated by the board of education of the constituent school district of which he is a member. The secretary shall send a notice by certified mail of the hour and place of meeting to the secretary of the board of education of each constituent school district at least 10 days prior to the meeting. The president and secretary of the board shall act as chairman and secretary, respectively, of the meeting. The term of office of each member elected to the board shall be for 6 years and shall begin on July 1 following his election, except as hereinafter provided. Not more than 2 members of the board shall be from the same school district unless there are fewer districts than there are positions to be filled. Any vacancy shall be filled by the remaining members of the board until the next biennial election. Notice of the vacancy shall be filed with the state board of education within 5 days after its occurrence. If the vacancy is not filled within 30 days after it has occurred, it shall be filled by the state board of education. Candidates for election to the board shall be nominated by petitions which shall be signed by not less than 50 school electors of the district who are registered to vote in the city or township where they reside. Any qualified elector shall be eligible to sign as many

petitions as there are vacancies to be filled. Nominating petitions shall be filed with the secretary of the board not later than 30 days prior to the date of the biennial election. The secretary shall determine the sufficiency of said petitions, and the eligibility of the candidates therein nominated. The secretary shall cause to be prepared, printed or duplicated ballots for the biennial election, listing on said ballots the names of all candidates properly nominated. If no nominating petitions have been filed for a candidate to fill a vacancy then, in this event and only in this event, the chairman of the biennial election may accept nominations for that vacancy from the floor.

"The provisions of section 538 of this act shall apply to petitions for candidates for board members of intermediate districts unless herein otherwise provided."

#### APPENDIX D

### UNITED STATES OF AMERICA IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

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JAMES SAILORS, et al,  
*Plaintiffs,*

Civil Action  
No. 4480

v.  
THE BOARD OF EDUCATION OF  
THE COUNTY OF KENT, et al,  
*Defendants.*

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#### AMENDMENT TO COMPLAINT

Pursuant to authorization granted by this court by the order entered June 4, 1964 the plaintiffs amend their complaint by adding a new paragraph to be designated as paragraph 18 as follows:

18. Section 294a of the Public Acts of Michigan of 1962 which took effect March 28, 1963 is unconstitutional and is in violation of the equal protection and due process clauses of the 14th Amendment of the United States Constitution and all allegations regarding Section 294 of the School Code contained in paragraphs 6, 7, and 10 are hereby re-alleged with regard to said amendment (Section 294a of the School Code; C.L. '48 Sec. 340.294a; M.S.A. Sec. 15.3294 (1)).

Dated: June 18th, 1964.

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## APPENDIX E

• • • Sec. 294b. Members of the board shall be chosen at popular elections in any intermediate school district adopting the provisions of sections 294b to 294h of this act.

\* \* \* Sec. 294c. Any board may submit to the electors of the constituent [sic] school districts comprising such intermediate school district the question of adoption of sections 294b to 294h of this act. The question shall be in substantially the following form:

"Shall the provisions of sections 294b to 294h of Act No. 269 of the Public Acts of 1955, as amended, providing for popular election of members of the intermediate school district board of education be effective within the constituent school district of . . . county?

Yes (     )

No (     )"

The board shall submit the question upon receipt of resolutions adopted by a majority of the boards of education of constituent school districts and representing more than 50% of the children on the last school census in the intermediate district. The resolutions of the constituent boards of education shall all be adopted within a period of 3 months.

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